THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.20770 and 25221 OF 2005

Dated: 27-01-2006

WP.No.20770 OF 2005

Between

K. Rambabu, S/o. K.V. Subba Rao,

Occ: Paricharika, Sri Durga Malleshwara

Swami Varla Devasthanam, Indrakiladri,

Vijayawada – I, Krishna District and

others.

…PETITIONERS

AND

The Government of Andhra Pradesh,

Rep. by its Principal Secretary,

Endowment Department, Secretariat,

Saifabad, Hyderabad and others.

…RESPONDENTS

WP.No.25221 OF 2005

Between

Kantamraju Prasantha Sastry,

S/o. K. Bhaskara Rao,

R/o. D.No.1-4-208/9,

Opp. APSRTC Work Shop,

Vidyadara Pyranm,

Vijayawada, Krishna District

and another

…PETITIONERS

AND

The Government of Andhra Pradesh,

Rep. by its Commissioner of
Endowments, Hyderabad and others.

…RESPONDENTS

COMMON ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondents. Since the issue involved in both the writ petitions is similar they are disposed of by a common order.

Writ Petition No.20770 of 2005 is filed questioning the orders of the Government in G.O.Rt.No.1123 dated 06.06.2005.

While admitting the writ petition this Court by order dated 22.09.2005 directed that the petitioners be permitted to continue as Paricharikas until further orders. The Government exercising suo motto powers under Section 93(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 issued G.O.Rt.No.1123, keeping in abeyance all the appointments made by the Commissioner of Endowments.

WP.No.25221 of 2005 is filed questioning the orders of the Government in G.O.Rt.No.2119 Revenue (Endowments-IV) Department dated 05.11.2005 in dismissing the revision petitions filed by the petitioners. While admitting the writ petition this Court directed by order dated 30.11.2005 directed the respondents to proceed with the regular appointment of Paricharikas but in the meanwhile the petitioners may be permitted to continue on contract basis on consolidated pay.

Learned counsel for the petitioners submits that, in fact,
a notification was issued on 23.06.2004 calling for the applications from the eligible candidates for recruitment to the posts of Paricharikas on regular basis but the selection process could not be completed for some reason or the other. Therefore, the petitioners were appointed on contract basis only and they are working.

This Court is of the opinion that the petitioners cannot claim that they are entitled for appointment on permanent basis as they were not appointed by a regular selection process and until their recruitment is made by way of regular selection process,
the petitioners shall be treated as appointed on contract basis on consolidated pay.

Learned counsel appearing for the third respondent submits that the selection process could not be completed for some reason or the other, but now they are proceeding to appoint Paricharikas on permanent basis.

Having regard to the facts and circumstances of the case,
the writ petitions are disposed of directing the respondents to proceed with the regular appointment of Paricharikas and the case of the petitioners may also be considered along with the other applicants for regular appointment in accordance with law subject to eligibility. The respondents are further directed to complete the selection process for regular appointment of Paricharikas as expeditiously as possible preferably within three months from the date of receipt of a copy of this order and till then the petitioners may be permitted to continue on contract basis on consolidated pay.

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V. ESWARAIAH, J

January 27, 2006

DSK